



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,558	12/21/2001	Hwan Kim	2950-0201P	3606
2292	7590	05/04/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			FLETCHER, MARLON T	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary	Application No. 10/024,558	Applicant(s) KIM, HWAN	
	Examiner Marlon T. Fletcher	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,9,10,12 and 17-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9,10,12 and 17-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. New corrected drawing figure 2 in compliance with 37 CFR 1.121(d) are required in this application because text extends outside of the box or diamond in the flowchart. All other figures appear to be in compliance. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 9, 10, 12, and 24 are rejected under 35 U.S.C. 102(a) as being anticipated by Dwek (6,248,946).

As recited in claim 9, Dwek discloses a method of displaying directory structure of a recording medium, comprising the steps of: examining a directory structure and attributes of data files recorded in a recording medium as seen figures 3A; and selecting one or more directories including at least one file of a pre-specified attribute based on the examined attribute information, and displaying the selected directories with their

respective hierarchical structures as seen in figure 3A and as discussed in column 7, lines 44-50. Figure 3A provides all the information needed for displaying a directory, wherein inherently a non-selected directory can be excluded from being displayed, wherein if not selected, it is not displayed.

As recited in claims 10 and 24, Dwek discloses the method, wherein said selecting and displaying step further displays filenames of the pre-specified attribute files under the selected directories as seen in figure 3A.

As recited in claim 12, Dwek discloses the method, wherein said pre-specified attribute is MP3 music as discussed in column 7, lines 55-59.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-6, 17-21, 23, and 25-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dwek in view of Sarkissian et al. (6,396,849).

Dwek is discussed above. As recited in claims 1, 17, and 23, Dwek discloses a method of displaying a directory structure of a recording medium, comprising the steps of examining a directory structure and attributes of data files recorded on the recording medium (Figure 3A); and generating a mark for visually differentiating directories

including at least one file of a pre-specified attribute, based on the examined attribute information (column 7, lines 44-50). As seen from figure 3A, the directory can be viewed to see whether or not certain pre-specified attributes are present, wherein attributes can be assigned to a specific song or songs, or attributes can be genre or etc..

As recited in claims 2, 18, 25-27 Dwek discloses the method, wherein said pre-specified attribute is MP3 music as discussed in column 7, lines 55-59. Inherently, the MP3 files can be classified in the same manner as seen in figure 3A.

As recited in claim 4, Dwek discloses the method, wherein a display screen according to said displaying step includes the uppermost directory information for said each file as seen in figure 3A.

Dwek does not disclose a display showing the marked filed.

However, Sarkissian et al. (claims 1, 17, and 23) disclose a method of displaying a directory, wherein a display of the generated mark (section 198, Adeline) in association with the examined directory structure information is provided as seen in figure 8D and as discussed in column 18, lines 8-26.

As recited in claims 4 and 19, Sarkissian et al. disclose the method, wherein a display screen according to said displaying step includes the uppermost directory information for said each file as seen in figure 8D.

As recited in claims 5, 6, 20, and 21 Sarkissian et al. disclose the method, wherein said mark for visually differentiating a directory is displayed in connection with

Art Unit: 2837

the name of a directory, including at least one file of said pre-specified attribute or not including any file attribute as seen in figure 8D.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the teachings of Sarkissian et al. with the apparatus of Dwek, because Sarkissian et al. merely provide a display showing a mark on a file, wherein it is clear that Dwek could have provided a display for the action taken of marking a file, wherein it is apparent that the mark would have to be displayed. Sarkissian et al. are only provided to show the actual mark on the file.

5. Claim 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dwek in view of Sarkissian et al. as applied to claims 1-6 and 8 above, and further in view of Moriyama et al. (6,067,282).

Dwek and Sarkissian et al. are discussed above. Neither reference provides a mark on a file, wherein the mark is a number.

However, Moriyama et al. provide a method, wherein said mark for visually differentiating a directory is information on the number of files included in a directory as seen in figures 11 and 15.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the teachings of Moriyama et al. with the apparatus of Dwek in view of Sarkissian et al., because Moriyama provides a numerical representation related to a file in the directory for providing the user with more information for locating a file.

Response to Arguments

6. Applicant's arguments filed 02/08/2005 have been fully considered but they are not persuasive.

The applicant argues that Dwek fails to provide examining of a directory structure based on an extension of a file. It is believe that figure 3 clearly reads on this limitation, wherein an extension of file can be seen under a hierarchal file. Dwek provides a directory, which can be marked. The fact that Dwek includes MP3 processing, inherently means that the MP3 files can be filed in the same manner as shown in figure 3A. Sarkissian et al. and Moriyama et al. make up for the deficiencies lack in Dwek. The claims do not distinguish over the prior art. The applicant argues that the rejection under 102(a) should have been made under 102(e). While the applicant's priority date is 12/21/00, the US filing date is 12/21/01. For purposes of establishing priority over a reference, a translation of the foreign priority must be submitted. Because no translation has been submitted the rejection under 102(a) is proper. However, the examiner agrees that if the translation is provided the rejection would be made under 102(e). The examiner acknowledges the applicant's attempt to provide claims that provide more detail. However, the subject matter is subject matter that has been rejected in previous office actions. The examiner does not find any patentable subject matter in the present claims.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon T. Fletcher whose telephone number is 571-272-2063. The examiner can normally be reached on M-W, F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2837

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Marion T. Fletcher
Primary Examiner
Art Unit 2837

MTF
May 2, 2005